United Nations Convention on the Law of the Sea CLCS/105

Commission on the Limits of the Continental Shelf

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New York, 16 July–31 August 2018

Progress of work in the Commission on the Limits of the Continental Shelf

Statement by the Chair

Summary

The present statement provides information on the work carried out by the Commission on the Limits of the Continental Shelf and its subcommissions during its forty-seventh session. In particular, the statement contains an overview of the progress made in the examination of the submissions made by the Russian Federation in respect of the Arctic Ocean (partial revised submission); Brazil in respect of the Brazilian Southern Region (partial revised submission); Norway in respect of Bouvetøya and Dronning Maud Land; France and South Africa, jointly, in respect of the area of the Crozet Archipelago and the Prince Edward Islands; Kenya; Nigeria; Seychelles in respect of the Northern Plateau Region; France in respect of Reunion and the Saint-Paul and Amsterdam islands; Côte d'Ivoire; Sri Lanka; Portugal; and Tonga in respect of the eastern part of the Kermadec Ridge. The statement also contains information about presentations made to the Commission by the Bahamas and Norway. In addition, it provides information on other issues covered by the Commission during the session.

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1. Pursuant to the decision adopted at its forty-fourth session (see CLCS/100, para. 91), as endorsed by the General Assembly in its resolution 72/73 (para. 102), the Commission on the Limits of the Continental Shelf held its forty-seventh session at the United Nations Headquarters from 16 July to 31 August 2018. The plenary parts of the session were held from 6 to 10 August and from 27 to 31 August 2018. The other parts of the session were devoted to the technical examination of submissions by the respective subcommissions and were held at the geographic information system laboratories of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat.

2. The following members of the Commission attended the session: Adnan Rashid Nasser al-Azri, Lawrence Folajimi Awosika, Aldino Campos, Wanda-Lee De Landro-Clarke, Ivan F. Glumov, Martin Vang Heinesen, Emmanuel Kalngui, Mazlan bin Madon, Estevão Stefane Mahanjane, Jair Alberto Ribas Marques, Marcin Mazurowski, Domingos de Carvalho Viana Moreira, David Cole Mosher, Simon Njuguna, Yong Ahn Park, Carlos Marcelo Paterlini, Clodette Rahamimananirina, Toshitsugu Yamazaki and Gonzalo Alejandro Yáñez Carrizo.[1] On 25 July 2018, the Chair of the Commission received a letter dated 23 July 2018, in which Mr. Lyu conveyed his decision to resign as a member of the Commission (see para. 82 below).

3. The Commission had before it the following documents and communications:

(a) Provisional agenda (CLCS/L.45);

(b) Statement by the Chair on the progress of work in the Commission at its forty-sixth session (CLCS/103 and CLCS/103/Corr.1);

(c) Report of the twenty-eighth meeting of the Meeting of States Parties to the United Nations Convention on the Law of the Sea (SPLOS/324);

(d) Submissions made by coastal States[2] pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea;

(e) General Assembly resolution 72/73 on oceans and the law of the sea;

(f) Relevant communications from States parties to the Convention and States Members of the United Nations, including Fiji (two notes verbales dated 9 July 2018), Norway (22 June and 27 July 2018), Papua New Guinea (27 August 2018) and the United States of America (9 August 2018).

[1] Mr. Mazurowski attended the session from 6 to 31 August 2018. For health-related reasons, Mr. Lyu did not attend the session and Mr. Glumov attended the session from 6 to 30 August 2018. Since the beginning of the present five-year term of office, some members of the Commission have experienced medical emergencies. In the light of those emergencies, the secretariat addressed a communication to States that had nominated the current members of the Commission, drawing their attention the fact that the Secretariat of the United Nations was ill-equipped to deal with medical conditions manifested by a sudden onset of acute symptoms of sufficient severity to place a Commission member's health in serious jeopardy in the absence of immediate medical attention. In the communication, it was noted that, as documented by a recent survey, many members of the Commission did not carry medical insurance or had insurance that was inadequate. Consequently, the secretariat, with reference to paragraph 91 of General Assembly resolution 72/73 on oceans and the law of the sea, encouraged nominating States to also cover travel medical insurance costs when defraying the expenses of the experts they had nominated while those experts were performing Commission-related duties. The secretariat also requested nominating States to designate focal points for urgent communications relating to medical emergencies involving Commission members they had nominated.

[2] For a full list of the submissions made to the Commission, see www.un.org/Depts/los/clcs_new/commission_submissions.htm.

Item 1
Opening of the forty-seventh session

4. The Chair of the Commission, Mr. Park, opened the forty-seventh session of the Commission.

Statement by the Assistant Secretary-General for Legal Affairs

5. The Assistant Secretary-General for Legal Affairs made a statement on behalf of the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel. He noted that States had expressed continuous support for the work of the Commission during the twenty-eighth meeting of the Meeting of States Parties to the Convention. The Assistant Secretary-General also noted that, owing to the resignation of Mr. Lyu, an additional vacancy had occurred in the Commission. He recalled that Mr. Lyu had served on the Commission since 1997 and observed that his experience and expertise would certainly be missed. He stated that vacancies in the Commission remained an impediment to the effective functioning of the Commission and that the Legal Counsel had consistently expressed his regret to States parties concerning the lack of nominations of candidates from one of the regional groups. He assured the Commission that the Office of Legal Affairs would continue to raise the matter with relevant States parties and to facilitate further debate on the matter if needed. He congratulated the members of the Commission on the amount of work carried out since their election at the twenty-seventh meeting of the Meeting of States Parties in June 2017, in particular the changes made to the working methods to improve transparency with respect to submitting States and enhance exchanges during plenary sessions. He reaffirmed the continued support of the Office of Legal Affairs, through its Division for Ocean Affairs and the Law of the Sea, to the Commission.

Item 2
Adoption of the agenda

6. The Commission considered the provisional agenda (CLCS/L.45) and adopted it, with amendments (CLCS/104).[3]

Item 3
Organization of work

7. The Commission approved its programme of work and the schedule for deliberations, as outlined by the Chair.

Item 4
Workload of the Commission

8. The Commission acknowledged the continued attention given to the conditions of service of its members by States parties, including through its Open-ended Working Group on the Conditions of Service of the Members of the Commission, by the General Assembly and by the secretariat of the Commission.

[3] France indicated its preference to make a presentation of its submission in respect of French Polynesia at a future session, on the understanding that the deferral would not affect the position of its submission in the queue.

Item 5
Consideration of the partial revised submission made by the Russian Federation in respect of the Arctic Ocean[4]

Report of the subcommission

9. The Chair of the subcommission, Mr. bin Madon, reported on the progress of the work done by the subcommission at the forty-seventh session, noting that the subcommission had met from 13 to 17 August 2018, during which time it had continued the main scientific and technical examination of the submission.[5]

10. The subcommission held three meetings with the delegation, during which the delegation made several presentations in response to questions posed by the subcommission at the forty-fifth and forty-sixth sessions. The subcommission made a presentation on the progress of its work to date, including its responses to matters raised by the delegation relating to scientific and technical aspects of the submission.

11. The Chair of the subcommission also reported on certain substantive matters concerning the submission. During the ensuing discussion, members of the Commission provided feedback and the subcommission responded to questions.

12. The subcommission decided that its members would continue to work individually on the submission during the intersessional period and that it would resume its consideration of the submission at the forty-eighth session, including through meetings with the delegation.

13. The meetings of the subcommission during the forty-eighth session will be held from 22 October to 2 November 2018.

Item 6
Consideration of the partial revised submission made by Brazil in respect of the Brazilian Southern Region[6]

Report of the subcommission

14. The Chair of the subcommission, Mr. Awosika, reported on the progress of its work since the forty-sixth session, noting that the subcommission had met from 30 July to 3 August and from 20 to 24 August 2018, during which time it had continued the main scientific and technical examination of the submission.

15. No meetings were held with the delegation. The subcommission transmitted three communications to the delegation with requests for additional information and clarifications in response to new data and information supplied by the delegation during the forty-sixth and forty-seventh sessions. The delegation transmitted two responses with additional data and information to the subcommission.

16. The Chair of the subcommission also reported on certain substantive matters concerning the submission. During the ensuing discussion, members of the Commission provided feedback and the subcommission responded to questions.

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[4] Submission made on 3 August 2015; available at www.un.org/depts/los/clcs_new/submissions_files/submission_rus_rev1.htm.

[5] For information on the modus operandi established for the consideration of a submission made to the Commission on the Limits of the Continental Shelf, see annex III to the rules of procedure of the Commission (CLCS/40/Rev.1).

[6] Submission made on 10 April 2015; available at www.un.org/Depts/los/clcs_new/submissions_files/submission_bra_rev.htm.

17. The subcommission decided that it would resume its consideration of the submission at the forty-eighth session, including through meetings with the delegation.

18. The meetings of the subcommission during the forty-eighth session will be held from 15 to 19 October and from 19 to 30 November 2018.

Item 7
Consideration of the submission made by Norway in respect of Bouvetøya and Dronning Maud Land[7]

Consideration of draft recommendations

19. By a communication dated 7 July 2017, Norway requested the opportunity to repeat the presentation that it had made at the forty-first session pursuant to paragraph 15 (1 bis) of annex III to the rules of procedure of the Commission, in view of the election of new members of the Commission (see CLCS/100, para. 28). At its forty-fourth session, the Commission decided to accommodate the request, on the understanding that the Commission would follow, mutatis mutandis, the modus operandi provided for in that paragraph and that the presentation would include no new data or information (ibid.).

20. On 7 August 2018, Mr. Glumov reintroduced to the Commission the draft recommendations with regard to the submission made by Norway by repeating the presentation delivered at the forty-first session by the then-Chair of the subcommission, Richard Haworth (see CLCS/95, para. 30).[8]

21. On the same day, the delegation of Norway made its presentation, repeating the one delivered at the forty-first session (see CLCS/95, paras. 31 and 32). The presentation was made by the Acting Director General for Legal Affairs of the Ministry of Foreign Affairs and head of the delegation, Kristian Jervell, and a scientific and technical adviser, Harald Brekke.

22. Following the presentation, the Commission continued its consideration in private and identified key issues that required further discussion. The Commission decided to resume its consideration of the recommendations at its forty-ninth session.

Item 8
Consideration of the joint submission made by France and South Africa in respect of the area of the Crozet Archipelago and the Prince Edward Islands[9]

Report of the subcommission

23. The Chair of the subcommission, Mr. Njuguna, reported on the progress of its work since the forty-sixth session, noting that the subcommission had met from 20 to 24 August 2018, during which time it had continued the main scientific and technical examination of the submission.

24. The subcommission held two meetings with the joint delegation during which the joint delegation made a presentation in which it provided its views on the

[7] Submission made on 4 May 2009; available at www.un.org/Depts/los/clcs_new/submissions_files/submission_nor_30_2009.htm.

[8] Mr. Haworth was a member of the Commission from 2012 to 2017.

[9] Submission made on 6 May 2009; available at www.un.org/Depts/los/clcs_new/submissions_files/submission_frazaf_34_2009.htm.

document presenting the views and general conclusions of the subcommission arising from its examination of the submission, which had been transmitted by the subcommission to the joint delegation at the end of the forty-fifth session on the understanding that that document would replace the presentation envisioned under paragraph 10 (3) of annex III to the rules of procedure of the Commission (see CLCS/101, para. 12). The subcommission shared its initial comments and requests for clarifications concerning the presentation, which it subsequently transmitted in writing.

25. Following the resignation of Mr. Lyu, the subcommission elected Mr. Mazurowski to replace him as one of the Vice-Chairs.

26. The Chair of the subcommission also reported on certain substantive matters concerning the submission. During the ensuing discussion, members of the Commission provided feedback and the subcommission responded to questions.

27. The subcommission decided that its members would continue to work individually on the submission during the intersessional period and that it would resume its consideration of the joint submission during the forty-eighth session.

28. The meetings of the subcommission during the forty-eighth session will be held from 26 to 30 November 2018.

Item 9
Consideration of the submission made by Kenya[10]

Report of the subcommission

29. The Chair of the subcommission, Mr. Heinesen, reported on the progress of the work done by the subcommission at the forty-seventh session, noting that it had met from 16 to 27 July 2018, during which time it had continued the main scientific and technical examination of the submission.

30. The subcommission held two meetings with the delegation, during which several presentations were made relating to the response provided by the delegation to the requests for clarification that had been made by the subcommission at the forty-fifth and forty-sixth sessions. The subcommission also provided the delegation with a presentation on the progress of its consideration of the submission and the application of the technical requirements of the Statement of Understanding Concerning a Specific Method to be Used in Establishing the Outer Edge of the Continental Margin annexed to the Final Act of the Third United Nations Conference on the Law of the Sea. It subsequently transmitted a communication to the delegation summarizing the status of its consideration of the submission and highlighting pending issues, including requests for additional data and information.

31. The Chair of the subcommission also reported to the Commission on certain substantive matters concerning the submission. During the ensuing discussion, members of the Commission provided feedback and the subcommission responded to questions.

32. The subcommission decided that it would resume its consideration of the submission during the forty-eighth session, including through meetings with the delegation.

[10] Submission made on 6 May 2009; available at www.un.org/Depts/los/clcs_new/submissions_files/submission_ken_35_2009.htm.

33. The meetings of the subcommission during the forty-eighth session will be held from 5 to 16 November 2018.

Item 10
Consideration of the submission made by Nigeria[11]

Report of the subcommission

34. The Chair of the subcommission, Mr. Mahanjane, reported on the progress of the work done by the subcommission at the forty-seventh session, noting that it had met from 13 to 17 August 2018, during which time the subcommission had continued the main scientific and technical examination of the submission.

35. No meetings were held with the delegation during the session. The subcommission considered the responses provided by the delegation at the forty-seventh session to the requests for clarification that had been made by the subcommission at the forty-sixth session. It subsequently transmitted a communication to the delegation with a summary of the status of its consideration of the submission.

36. The Chair of the subcommission also reported on certain substantive matters concerning the submission. During the ensuing discussion, members of the Commission provided feedback and the subcommission responded to questions.

37. Following the resignation of Mr. Lyu (see para. 83 below), the subcommission elected Mr. Yamazaki to replace him as one of the Vice-Chairs.

38. The subcommission decided that its members would continue to work individually on the submission during the intersessional period and that it would resume its consideration of the submission during the forty-eighth session.

39. The meetings of the subcommission during the forty-eighth session will be held from 22 October to 2 November 2018.

Item 11
Consideration of the submission made by Seychelles in respect of the Northern Plateau Region[12]

Consideration of draft recommendations

40. The Commission resumed its consideration of the draft recommendations that had been presented to it by the subcommission at the forty-third session (see CLCS/98, paras. 48–51, and CLCS/103, paras. 39–42).

Approval of recommendations

41. On 27 August 2018, following extensive deliberations, the Commission approved, without a vote, its recommendations with regard to the submission made by Seychelles in respect of the Northern Plateau Region on 7 May 2009.

[11] Submission made on 7 May 2009; available at www.un.org/Depts/los/clcs_new/submissions_files/submission_nga_38_2009.htm.

[12] Submission made on 7 May 2009; available at www.un.org/depts/los/clcs_new/submissions_files/submission_syc_39_2009.htm.

42. Pursuant to article 6, paragraph 3, of annex II to the Convention, the recommendations, including a summary thereof, were submitted in writing to the coastal State and to the Secretary-General on 3 September 2018.

Item 12
Consideration of the submission made by France in respect of Reunion and the Saint-Paul and Amsterdam islands[13]

Report of the subcommission

43. The Chair of the subcommission, Mr. Mosher, reported on the progress of the work done by the subcommission at the forty-seventh session, noting that it had met from 13 to 17 August 2018, during which time it had continued the main scientific and technical examination of the submission.

44. The subcommission held two meetings with the delegation, during which the delegation gave two presentations in response to the observations and requests for information made by the subcommission. The subcommission gave a presentation on the progress of its consideration.

45. The Chair of the subcommission also reported on certain substantive matters concerning the submission. During the ensuing discussion, members of the Commission provided feedback and the subcommission responded to questions.

46. The subcommission decided that its members would continue to work individually on the submission during the intersessional period and that it would resume its consideration of the submission during the forty-eighth session.

47. The meetings of the subcommission during the forty-eighth session will be held from 22 October to 2 November 2018.

Item 13
Consideration of the submission made by Côte d'Ivoire[14]

Report of the subcommission

48. The Chair of the subcommission, Mr. Mahanjane reported on the progress of the work done by the subcommission at the forty-seventh session, noting that it had met from 16 to 27 July 2018, during which time it had continued the main scientific and technical examination of the submission.

49. The subcommission held five meetings with the delegation, during which the delegation provided responses to requests for clarification made by the subcommission at the forty-sixth session. The subcommission made presentations providing preliminary views. Having further re-examined the test of appurtenance (see CLCS/103, para. 48) and having considered the additional data and information submitted by the delegation during the session in response to its requests, the subcommission concluded that the test of appurtenance had been met by Côte d'Ivoire.

[13] *Submission made on 8 May 2009; available at* www.un.org/depts/los/clcs_new/submissions_files/submission_fra_40_2009.htm.

[14] Submission made on 8 May 2009; available at www.un.org/depts/los/clcs_new/submissions_files/submission_civ_42_2009.htm.

50. The Chair of the subcommission also reported on certain substantive matters concerning the submission. During the ensuing discussion, members of the Commission provided feedback and the subcommission responded to questions.

51. The subcommission decided that its members would continue to work individually on the submission during the intersessional period and that it would resume its consideration of the submission during the forty-eighth session, including through meetings with the delegation.

52. The meetings of the subcommission during the forty-eighth session will be held from 5 to 16 November 2018.

Item 14
Consideration of the submission made by Sri Lanka[15]

Report of the subcommission

53. The Chair of the subcommission, Mr. Yáñez Carrizo, reported on the progress of the work done by the subcommission at the forty-seventh session, noting that it had met from 16 to 27 July 2018, during which time it had continued the main scientific and technical examination of the submission.

54. The subcommission held five meetings with the delegation, during which several presentations were made, including with regard to additional information provided by the delegation in response to requests for clarification made by the subcommission at the forty-sixth session. The subcommission subsequently transmitted a communication to the delegation summarizing the status of its consideration of the submission and highlighting pending issues.

55. The Chair of the subcommission also reported to the Commission on certain substantive matters concerning the submission. During the ensuing discussion, members of the Commission provided feedback and the subcommission responded to questions.

56. The subcommission took note of the resignation of Mr. Lyu, which brought down the membership of the subcommission to six members.

57. The subcommission decided that its members would continue to work individually on the submission during the intersessional period and that it would resume its consideration of the submission during the forty-eighth session, including through meetings with the delegation.

58. The meetings of the subcommission during the forty-eighth session will be held from 5 to 16 November 2018.

Item 15
Consideration of the submission made by Portugal[16]

Report of the subcommission

59. The Chair of the subcommission, Ms. De Landro-Clarke, reported on the progress of its work since the forty-sixth session, noting that the subcommission had

[15] Submission made on 8 May 2009; available at www.un.org/depts/los/clcs_new/submissions_files/submission_lka_43_2009.htm.

[16] Submission made on 11 May 2009; available at www.un.org/depts/los/clcs_new/submissions_files/submission_prt_44_2009.htm.

met from 30 June to 3 July and from 20 to 24 August, during which time it had continued the main scientific and technical examination of the submission.

60. The subcommission held three meetings with the delegation, during which several presentations were made relating to the additional data and information submitted by the delegation at the forty-seventh session in response to the queries and requests for clarification made by the subcommission during the forty-sixth and forty-seventh sessions. The subcommission also gave a presentation on its views and conclusions on the test of appurtenance. It subsequently transmitted a communication to the delegation summarizing the status of its consideration of the submission and highlighting pending issues.

61. The Chair of the subcommission also reported to the Commission on certain substantive matters concerning the submission. During the ensuing discussion, members of the Commission provided feedback and the subcommission responded to questions.

62. The subcommission decided that its members would continue to work individually on the submission during the intersessional period and that it would resume its consideration of the submission during the forty-eighth session, including through meetings with the delegation.

63. The meetings of the subcommission during the forty-eighth session will be held from 15 to 19 October and from 19 to 30 November 2018.

Item 16
Consideration of the submission made by Tonga in respect of the eastern part of the Kermadec Ridge[17]

Report of the subcommission

64. The Chair of the subcommission, Mr. Campos, reported on the progress of the work done by the subcommission at the forty-seventh session, noting that it had met from 30 July to 3 August 2018, during which time it had continued the main scientific and technical examination of the submission.

65. The subcommission held three meetings with the delegation, during which several presentations were made relating to the responses provided by the delegation to requests for clarification that had been made by the subcommission at the forty-sixth session. It subsequently transmitted a communication to the delegation summarizing the status of its consideration of the submission and highlighting pending issues.

66. The Chair of the subcommission also reported to the Commission on certain substantive matters concerning the submission. During the ensuing discussion, members of the Commission provided feedback and the subcommission responded to questions.

67. The subcommission took note of the resignation of Mr. Lyu, which brought down the membership of the subcommission to six members.

68. The subcommission decided that its members would continue to work individually on the submission during the intersessional period and that it would resume its consideration of the submission during the forty-eighth session, including through meetings with the delegation.

[17] *Submission made on 5 May 2009; available at* www.un.org/depts/los/clcs_new/submissions_files/submission_fmpgsb_32_2009.htm.

69. The meetings of the subcommission during the forty-eighth session will be held from 15 to 19 October and from 19 to 23 November 2018.

Item 17
Consideration of other submissions made pursuant to article 76, paragraph 8, of the Convention

Presentation of the submission made by the Bahamas[18]

70. The submission of the Bahamas was presented on 10 August 2018 by the Permanent Representative of the Bahamas to the United Nations and head of the delegation, Sheila Carey; the Chair of the Maritime Delimitation Committee of the Ministry for Foreign Affairs of the Bahamas, Godfrey Rolle; the First Assistant Secretary of the Maritime Delimitation Committee secretariat, Natasha Turnquest; and the Assistant Secretary of the Maritime Delimitation Committee secretariat, Kimberly Lam. The delegation also included a number of advisers.

71. In addition to elaborating on substantive points of the submission, Ms. Turnquest recalled that the United States had submitted a communication to the secretariat of the Commission, dated 12 November 2014, requesting the Commission not to consider the submission, in accordance with article 5 (a) of annex I to the rules of procedure of the Commission. She pointed out, however, that, following a meeting between the Bahamas and the United States in June 2018, the United States had agreed to withdraw its objection to the consideration of the submission and that that commitment had been formalized through an exchange of diplomatic notes.

72. The Commission then continued its meeting in private.

73. Addressing the modalities for the consideration of the submission, the Commission noted that there had been two communications, dated 12 November 2014 and 9 August 2018, respectively, from the Permanent Mission of the United States to the United Nations addressed to the secretariat of the Commission with regard to the submission. The Commission noted that, in its communication of 9 August 2018, the United States confirmed that it no longer objected to the request made by the Bahamas that the Commission consider the information submitted on the limits of the continental shelf and that the Commission make its recommendations on the basis of that information, to the extent that such consideration and recommendations were without prejudice to the establishment of the outer limits of the continental shelf by the United States and to the delimitation of the continental shelf between the United States and the Bahamas. The Commission also took note of the views expressed by the Bahamas in its presentation. It decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of its rules of procedure, the submission would be addressed by a subcommission to be established at a future session, in accordance with rule 51, paragraph 4 ter, of the rules of procedure of the Commission. The Commission also decided to revert to consideration of the submission, and of any notes verbales that might be received in the future, at the plenary level, when the submission was next in line for consideration as queued in the order in which it was received.

[18] Submission made on 6 February 2014; available at www.un.org/depts/los/clcs_new/submissions_files/submission_bhs_71_2014.htm.

Item 18
Report of the Chair of the Commission on the twenty-eighth meeting of the Meeting of States Parties to the United Nations Convention on the Law of the Sea

74. The Chair of the Commission reported on the discussions held at the twenty-eighth meeting of the Meeting of States Parties to the Convention relating to the work of the Commission, including on the deliberations on the conditions of service of the members of the Commission.

Item 19
Report of the Chair of the Committee on Confidentiality

Report by the Chairman of the Committee

75. The Chair of the Committee on Confidentiality, Mr. Mahanjane, informed the Commission that the Committee had met during the forty-seventh session to review new communications received by the Commission in relation to the report of the investigating body concerning access to data and information that submitting States had classified as confidential pursuant to annex II to the rules of procedure of the Commission. The Committee had concluded that the new communications had not provided any new information or raised new issues that would warrant the reopening of the investigation into the matter. The Committee had further concluded that its investigation into this matter had been completed and its mandate discharged.

76. The Chair of the Committee concluded his report by stressing that the issue of confidentiality was of paramount importance to the work and reputation of the Commission and had direct consequences for the perception by States parties of the work of the Commission.

Deliberations of the Commission on the matter

77. The Commission took note of the report of the Committee and renewed its appreciation to the Chair and members of the Committee for their work. The Commission also took note of the aforementioned communications and of technical measures implemented by the secretariat in 2017 regarding access to material classified by coastal States as confidential in line with the provisions of annex II to the rules of procedure of the Commission.

78. In continuing its consideration of the matter, in accordance with paragraph 5 (2) of annex II to its rules of procedure, the Commission took note of the statements of the members concerned that their access to the data and information had occurred in the performance of their functions as members of the Commission and that the data and information had not been disclosed to any third parties. The Commission also observed the different circumstances in which the members had accessed the data and information.

79. The Commission decided to recommend that the States Parties take note of the information presented in the statement of the Chair concerning the actions taken by the Commission in its consideration of the matter.

Item 20
Report of the Chair of the Scientific and Technical Advice Committee

80. In the light of the resignation of Mr. Lyu, the Scientific and Technical Advice Committee met once and elected Mr. bin Madon to replace him as Chair of the Committee.

81. As Chair, Mr. bin Madon reported that no additional meeting had been required during the forty-seventh session, as no request for one had been received from any State.

Item 21
Other matters

Resignation of Mr. Lyu

82. On 25 July 2018, the Chair of the Commission received a letter dated 23 July 2018 from Mr. Lyu in which Mr. Lyu informed the Chair about his decision to resign as a member of the Commission for health-related reasons.

83. The Commission took note of the resignation and recalled with appreciation Mr. Lyu's experience and expertise and the important contribution he had made to the work of the Commission, starting in 1997 after the first election of members by the States parties to the Convention. The Commission also took note of the letter sent by the Chair to Mr. Lyu and his family on behalf of the Commission.

84. Following consultations, the Commission appointed Mr. bin Madon to replace Mr. Lyu as a member of the Scientific and Technical Advice Committee.

Summary of the recommendations of the Commission on the Limits of the Continental Shelf in regard to the joint submission made by Micronesia (Federated States of), Papua New Guinea and Solomon Islands in respect of the Ontong Java Plateau

85. The Chair of the Commission recalled that the summary of the recommendations issued by the Commission in regard to the joint submission made on 5 May 2009 by Micronesia (Federated States of), Papua New Guinea and Solomon Islands in respect of the Ontong Java Plateau[19] had not yet been made public by the Secretary-General in accordance with paragraph 11 (3) of annex III to the rules of procedure of the Commission, pending confirmation by the submitting States that the summary as prepared by the Commission did not contain data or information of a confidential or proprietary nature. An exchange of communications between the Chair and the focal point of the joint delegation with respect to the matter had taken place prior to and during the session of the Commission, and the Commission took note of the communication from the joint delegation.

86. In that regard, the Commission, referring to the calls for transparency in the work of the Commission contained in General Assembly resolutions on oceans and the law of the sea, expressed its concern that, in some cases, summaries of recommendations had not been made public upon the approval of the recommendations, as required under paragraph 11 (3) of annex III to the rules of procedure of the Commission. The Commission requested the secretariat to continue to address such situations with the submitting States concerned, including by

[19] See submission made on 5 May 2009; available at www.un.org/depts/los/clcs_new/submissions_files/submission_fmpgsb_32_2009.htm.

implementing, as appropriate, a no-objection procedure, under which a lack of response on the issue of confidential or proprietary information in recommendations, within three months of the date of transmission of the recommendations to the submitting States, would allow the Secretary-General to make the summary public.

Future sessions of the Commission

87. The Commission recalled that the General Assembly, in its resolution 72/73, had approved the convening of the forty-eighth session of the Commission from 15 October to 30 November 2018, with no plenary meetings, and agreed on the following programme of work:

1. Consideration of the partial revised submission made by the Russian Federation in respect of the Arctic Ocean.
2. Consideration of the partial revised submission made by Brazil in respect of the Brazilian Southern Region.
3. Consideration of the joint submission made by France and South Africa in respect of the area of the Crozet Archipelago and the Prince Edward Islands.
4. Consideration of the submission made by Kenya.
5. Consideration of the submission made by Nigeria.
6. Consideration of the submission made by France in respect of Reunion and the Saint-Paul and Amsterdam islands.
7. Consideration of the submission made by Côte d'Ivoire.
8. Consideration of the submission made by Sri Lanka.
9. Consideration of the submission made by Portugal.
10. Consideration of the submission made by Tonga in respect of the eastern part of the Kermadec Ridge.
11. Other matters.

88. The Commission agreed, for planning purposes, on the tentative schedule of its sessions in 2019, as follows:

(a) The forty-ninth session would be held from 28 January to 15 March. The plenary parts of the session would be held, subject to the approval of the General Assembly, from 4 to 8 February and from 4 to 8 March;

(b) The fiftieth session would be held from 1 July to 16 August. The plenary parts of the session would be held, subject to the approval of the General Assembly, from 29 July to 2 August and from 13 to 16 August;

(c) The fifty-first session would be held from 14 October to 29 November, with no plans for plenary meetings.

Trust funds

89. The Commission was informed by its secretariat about the status of the voluntary trust fund for the purpose of defraying the cost of the participation of the members of the Commission from developing States in its meetings. Since the previous session, contributions had been received from China, Costa Rica, Iceland, New Zealand, Portugal and the Republic of Korea. As at 31 July 2018, the voluntary trust fund had an approximate balance of $296,000.

90. For the forty-seventh session, financial assistance had been provided to seven Commission members nominated by developing States, at an estimated total cost of $150,000.

91. The secretariat noted that the funding requirements for the forty-eighth session, scheduled to begin in October 2018, had been estimated at $150,000. Pursuant to paragraph 99 of General Assembly resolution 72/73, following the allocation of the required funds to cover the costs of travel and daily subsistence allowance of the members of the Commission from developing States for the sessions of the Commission in 2018, the voluntary trust fund would be able to reimburse those members for the costs of medical travel insurance on a session-by-session basis.

92. Given the current balance of the voluntary trust fund, however, additional contributions would be required to cover expected funding requirements beyond the first session scheduled for 2019. The secretariat therefore highlighted a critical need for contributions to the voluntary trust fund in order to ensure its continued to operation throughout 2019 and undertook to bring the critical need for additional contributions to the attention of States.

93. With regard to the trust fund for the purpose of facilitating the preparation of submissions to the Commission for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the United Nations Convention on the Law of the Sea, the secretariat reported that, as at 31 July 2018, the trust fund had an approximate balance of $953,000. Four applications for assistance with submissions had been received by the secretariat. In addition, three States had received assistance from the trust fund to participate in meetings with the Commission and its subcommissions during the forty-seventh session. Since the previous session, no contributions had been received for the trust fund.